

Minutes

Amherst Charter Commission meeting of June 7, 2017, 5:30 pm; The Amherst Police Station Community Room

Members present: Andy Churchill, Mandi Jo Hanneke, Diana Stein, Tom Fricke, Gerry Weiss, Meg Gage, Julia Rueschemeyer late
Collins Center: Tanya Stepasiuk, Mike Ward
Public in attendance: Ginny Hamilton, Andy Steinberg, John Fox

Agenda

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Public comment (15 minutes)
3. Work on master draft language (may include Legislative, Planning, School Committee and Other Elected Offices, Elections, others) (3 hours, 25 minutes)
4. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
5. Planning for future meetings (15 minutes)
6. Adjourn

Public Comment

Hamilton: Please consider a longer period between a November election and the swearing in - perhaps sometime in February. Re: combining wards - please consider contested race history in precincts and combine a high and low contested precinct. Re: everyone up for election at the same time as federal or state elections - would mean a lot of money being raised for so many candidates - this could have a big difference in fundraising especially if some candidates have deep pockets behind them. Please stick to best practices, especially concerning citizen participation and form of government.

Steinberg: Re; hiring of Department Heads - be careful not to set up a difficult process that might keep candidates away. Make sure the council has appropriate responsibilities. Election process – He consulted with Sandra Burgess about even-numbered-year Nov elections - if there is early voting for a national or state election, there must be early voting for local elections as well, which will require 2 sets of people to handle the ballots.

Fox: Big picture - doesn't think there is much of a difference between a mayor/council and manager/council form of government. There is a primary force in town - the developers - they have unlimited money to donate to candidates of their choosing with a goal of getting zoning they want to allow more development. The U is in a similar position of power and money. These two forces will control the council who will control the zoning. We will look more and more like a city and lose town meeting forever. Town Meeting is the heart and soul of Amherst and has helped produce a fabulous town to live in. Only town meeting can stop the influence of money and power. Mr. Fox also referred to a meeting at which the current moderator was

asked to recommend changes to town meeting. He said he had considered 5 such changes and then rejected them all.

Ranked Choice Voting (RCV) discussion

Should it be in the charter, or the transition plan or some other way to introduce it?

Churchill - Who uses it? Only Cambridge in MA. Are there technology barriers?

Steve Lauer (Ph.D student, UMass) - Found other methods that he thinks are better. RCV will require different technology. Recommends Candidate Rating which can use existing technology.

Hanneke – wondered if we could use a blanket term for the council to create a commission to study the options.

Weiss, Stein and Fricke want us to mandate the creation of a commission to study alternative forms of elections that would eliminate preliminary elections along the lines of RCV.

Discussion ensued about how to word the charge for the voting commission.

Stepasiuk- She and Ward will work on how to put this into our Charter - there was a consensus to require a commission to be created to study the issue and make a recommendation no later than for the 2023 election.

Gage - wants there to be a default voting method.

Discussion moved to the issue of 2-year vs 3-year terms. 3-year terms will require some elections being at the same time as national/state elections.

Stepasiuk pointed out the dilemma of higher voter turnout with low information voters not necessarily being a plus.

Stein worried that national/state elections will draw voter attention away from local elections

Straw vote: In favor of even year elections: Gage, Rueschemeyer, Hanneke; in favor of odd year elections: Fricke, Stein, Churchill; abstain - Weiss

Discussion of Article 7: Elections

7-1 Town Elections: Preliminary

- approved

7-2 Non Partisan Elections

Hanneke: propose "candidate for re-election" should not be printed on ballots if possible

- 6 in favor, Rueschemeyer abstaining

Signature Requirements

Hanneke: suggest a separate section on signature requirements with minimum 50 for at large offices and 20 for ward councilors (all 20 ward residents)

- agreed

Preliminary Elections

Gage: what about ranked choice voting replace this?

Churchill: this would be the default until Council forms commission to adopt ranked choice

Weiss: would RCV then replace this?

Hanneke: put in transition language like "upon the adoption of RCV, 7-4 will not apply"

Wards

To be designated in transition provisions

Stepasiuk: new census may necessitate new precinct creation if population grows, but generally only moves precinct lines around the edges to even out population distribution

Churchill: maximum precinct population is set by law, but what if we have 11 precincts?

Stepasiuk: would require change to the Charter

Hanneke: we could fit new precincts into 5 wards

Fricke: really a problem for a future with 11 precincts, not a problem for the present

Application of General Laws

- approved

Candidate Publicity discussion

Churchill: Propose that Town website provide space to every candidate to post a statement and link to campaign site - details to be provided by bylaw

Hanneke: Good concept but Town website could then be required to post pretty nasty stuff if presented by a qualified candidate

Fricke: Candidate statements could be clearly labeled NOT ENDORSED BY TOWN. Positive gain is substantial.

Rueschemeyer: [note taker did not catch comment]

Fricke: Positive gain is substantial

Weiss: Are Towns allowed to do this? Faced some reluctance when asked for election information to be posted on Town site in the past.

Ward: May be difficult for Clerk to manage timing of posting statements of many candidates for many offices

Hanneke: Let Council work out details by bylaw - a clear deadline for submission and subsequent simultaneous posting of all statements should work

Weiss: Let's put it in if it's legal

- consensus

Churchill: Town purchasing newspaper page for same purpose now seems less significant

Hanneke: Let's leave it as website.

- agreed

Rueschemeyer: Anything from other Charters we're forgetting? Voting for residents without citizenship status?

Gage: Voting for 16 year olds?

Stepasiuk: At the moment, non-citizen residents voting is not in tune with state law. Could we establish a default setting for when/if non-citizen voting is not in violation of state or federal law?

Stepasiuk: Will this provision jeopardize the Charter with voters?

Rueschemeyer: Let's weigh that at the end of the process.

Weiss: It's definitely not legal.

Stepasiuk: Can think of it as your stake in the ground.

Hanneke: Legislature might turn the issue over to cities/towns in the future

Stepasiuk: If it could jeopardize charter with voters, just leave it to future Council

Gage: Same with 16 year-olds voting?

Churchill: More keen on adult resident issue.

Hanneke: Can voters and office holders be different cohorts? Could a non-voter resident hold office - like a non-citizen parent running for school committee?

Stepasiuk: Can see how it goes, don't know right now.

Ward: Can just put it in and see if you want.

Hanneke: Instead of voter put "domiciled in town" in sections describing candidates

Stein: Maryland registers 18 year olds more successfully than we do - can we do something like they do?

Ward: Some kind of automatic registration?

Stepasiuk: Beware of sinking Charter with too many novel ideas. Anxious about public hearings.

Stein: Who'd object to 18 year old citizens registering? Like it researched.

Fricke: Include automatic registration in charge for same commission that will examine Ranked Choice Voting research?

- agreed

Gage: Anyone else in favor of also requiring consideration of 16 year old voting age?

Hanneke: Leave that to Council instead - see if they want to look at it

Stepasiuk: And "domiciled in Amherst" goes in 4:1.b. and 2:1.c. sections describing candidate eligibility and we'll see what happens under AG review.

- agreed

Churchill: And the non-citizen, legal permanent resident voting idea?

Stepasiuk /Hanneke: Something like "should Mass General Law allow non-citizen, legal permanent resident voting, Amherst shall adopt"

- agreed

4-2 School Committee (SC)

Rueschemeyer: Heard from Vira that 2 year term would be too short - turnover would mean Superintendent not really supervised.

Hanneke: Peter and Anastasia also very concerned about short term for SC. We should consider same logic as applies to all elected officials.

Churchill: Four year term is a daunting commitment. Two year keeps officials very conscious of voters. Not such a big deal to run as an incumbent - just put out the lawn signs. Drawbacks to 4 year are bigger than gains.

Stein: Possibility of replacing entire Committee in one election gives pause. Personal experience is that second campaigns are much easier.

Hanneke: Peter Demling much prefers 4 year staggered terms, but 4 year commitment might really skew SC make up toward candidates with long term resources. Also fewer repeat candidates when forcing up to 8 year commitment. Likely fewer young parent candidates.

Gage: Still pretty much OK with 2 year terms, but that's a lot of public doubt

Hanneke: Didn't SC members at the hearing like the benefits of 2 year terms?

Stein: Yes - heard the same.

Stein & Weiss: Running for office really is easier the second time around.

Reuschmeyer: What about the issue of Superintendent supervision? A legitimate concern.

Churchill: My experience is 6 years on SC pretty ideal. With 2 year terms and re-election, likely to work out that way most of the time. Option to serve 4 or 6 or 8 years is more flexibility.

Reuschmeyer: So we've considered more feedback, but no groundswell for change here.

Gage: Let's keep listening and discussing public feedback.

4-3: Library Board

Churchill: Six people running every 2 years is a lot on the ballot

Hanneke: What if we decide later that 2 years isn't good?

Stepasiuk: Could change with a special act request to state legislature who would put it to town voters

4-4: Housing Authority

Hanneke: "one elected tenant member"?

Stepasiuk: Need to review the law - probably requires member elected by vote of HA tenants

Hanneke: Term of office can't be two, so should be four to fit our cycle

- agreed

4-5: Oliver Smith Will Electors

Hanneke: Vacancy language should follow 4-1.C.

- agreed

Preamble

Stein: Like Framingham model with amendment

Gage: Like that elders are attended to. Would like to emphasize that we're attuned to proposals that have already succeeded elsewhere - a sweet spot of creativity and being conservative

Churchill: Yes, we're hoping that elders like everybody else gets needs met here. Preamble isn't really something we need to spend a lot of time on. It's good to reference Mom and Apple Pie values, but not urgent.

Ward: Maybe a working group could bring something back to whole Commission?

Rueschemeyer: Would go with Stein on Framingham as model. Just weird to "value elders" but no other groups by name.

Hanneke: Framingham is probably the best of the bunch.

Ward: Will put it in as a placeholder.

Discussion of Article 8 Recall

Hanneke proposes deleting Section 8-8, the Recall section, since the terms are so short.

Discussion:

Should we make the Housing Authority 2 years like all of the other elected offices?

Weiss suggests keeping it in just in case someone does 'real bad things' the day after elected.

Discussion of the timeline which means recall can't happen until month 13 or 14 which is more than half of their term. It is rarely used but might feel good to the voter.

Vote: Delete SECTION – 8: unanimous vote

Housing Authority term:

Discussion of making it 2 years instead of 4 so deleting SECTION 8-8

SECTION 4-4

Vote: to move the term of Housing Authority from 4 years to 2 years – unanimous vote

Discussion of Wards:

Hanneke created maps to support her email proposal, 6/3/17 at 4:41 pm

Discussion of turnout numbers for each. (See map)

Fricke: an effort to combine high and low turnout, number of registered voters, to try to even out disparities, in order to make it comparably competitive for candidates.

Hanneke: Also concerned about not having the wards look gerrymandered. And if you put a very high and a very low turnout precincts together you privilege to high turn-out precinct. Makes it harder for smaller turnout precincts to be represented.

Stepasiuk: reminded Commission of having wards that represent common concerns and neighborhoods, not just based on numbers.

North Amherst would be better unified if Precincts 1 and 3 are together, for example.

People prefer options C, G and E.

Importance of keeping 'village centers' unified in one ward.

General preference for E because it makes the most geographic sense.

Discussion of importance of turnout. High turn-out precincts don't coincide with most competitive races.

Consensus on option E

Discussion of planning

June 15: meeting for clean-up, 5:30 – 9:30

June 19: cancel

June 22: Transition, 5:30 – 9:30

June 13, 6:00 to 8:00, Listening session

Document used-- Draft # 21 Amherst Charter- June 6, 2017 - All Articles to date.